

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-25460 - APPLICANT: MIKE'S LIQUOR, LLC - OWNER: SAHARA-SAB NEVADA, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Package Liquor Off-Sale Establishment.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Package Liquor Off-Sale Establishment at 2600 West Sahara Avenue, Suites #103-104. The proposed location meets all of the minimum requirements for a Packaged Liquor Off-Sale Establishment, including the required distance separation from protected uses. This site is well suited for this use; staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/18/2006	The City Council approved a Special Use Permit (SUP-13555) for a secondhand dealer at 2600 West Sahara Avenue, Suite #103. The Planning Commission and Staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
01/17/1996	A business license was issued for a Clothing Store at 2600 West Sahara Avenue, Suite #109.
07/05/2000	A business license was issued for Miscellaneous Sales at 2600 West Sahara Avenue, Suite #116.
07/01/2004	A business license was issued for a Restaurant Seating Under 45 at 2600 West Sahara Avenue, Suite #121.
12/15/2004	A business license was issued for a Massage Establishment at 2600 West Sahara Avenue, Suite #115
08/16/2005	A business license was issued for a Convenience Store at 2600 West Sahara Avenue, Suite #102.
08/16/2005	A business license was issued for a Tobacco Dealer – Retail at 2600 West Sahara Avenue, Suite #102.
12/29/2005	A business license was issued for an Insurance Agent at 2600 West Sahara Avenue, Suite #119.
05/09/2006	A business license was created for a Second Hand Dealer Class II at 2600 West Sahara Avenue, Suite #103.
09/07/2006	A business license was issued for a Pharmacy at 2600 West Sahara Avenue, Suite #120.
09/29/2006	A business license was issued for Shoe Sales at 2600 West Sahara Avenue, Suite #116.
06/04/2007	A business license was issued for a Restaurant Seating Under 45 at 2600 West Sahara Avenue, Suite #101.
09/07/2007	A business license was issued for a Cosmetology Establishment at 2600 West Sahara Avenue, Suite #122.

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<i>Pre-Application Meeting</i>	
10/05/2007	At a Pre-Application meeting staff discussed the requirements for Special Use Permit and submittal deadlines and dates.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
11/30/2007	Upon inspection of the above location, it was found that a Second Hand Dealer Class II is operating in Suite #103.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.75

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Medical Center, Office	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
South	Commercial, Gaming	SC (Service Commercial) and GTC (General Tourist Commercial)	C-1 (Limited Commercial)
East	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
West	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (170 Ft Airport Overlay) District	X		Yes
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	48,858 SF	1/250	196	6	200	8	Yes
SubTotal			196	6	200	8	Yes
TOTAL			202		208		Yes

ANALYSIS

- **Zoning**

The subject site on which the use will be located is zoned C-1 (Limited Commercial). This district allows for most retail shopping and personal services. A Packaged Liquor Off-Sale is permitted in the C-1 (Limited Commercial) District with approval of a Special Use Permit.

The site is within the McCarran International Airport Overlay Map portion of the A-O (Airport Overlay) District. The existing structure is below the height limitation of 175 feet and is in compliance with Title 19.06.080.

Parking is adequately provided by an existing Shopping Center. The addition of a Packaged Liquor Off-Sale Establishment requires no additional parking requirements beyond what is required by the principal use. This shopping center provides more than the required parking spaces.

- **Use**

A Package Liquor Off-Sale Establishment is defined by Title 19 as an establishment whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold.

The subject use is to be located within an existing 49,000 square foot Shopping Center at 2600 West Sahara Avenue. The proposed Package Liquor Off-Sale Establishment will be located within this shopping center in Suites #103 and 104. This location has no protected uses within the required 400 foot distance separation and satisfies all of the minimum conditions required for a Package Liquor Off-Sale Establishment.

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- **Conditions**

Per Title 19.04.010, the following are minimum Special Use Permit requirements of a Packaged Liquor Off-Sale Establishment use. An asterisk (*) indicates that a requirement cannot be waived.

- *1. Except as otherwise provided, no Package Liquor Off-Sale Establishment (Hereinafter “establishment”) shall be located within 400 feet of any church, synagogue, school, child car facility licensed for more than 12 children, or City Park.
- *2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
 - a) Any leasehold parcel; or
 - b) Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement.
- *3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
 - a) From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
 - b) In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
- 4. The minimum distance requirements in Requirement 1 do not apply to:
 - a) An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
 - b) A proposed establishment having more than 50,000 square feet of retail floor space.
- *5. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.5

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FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is surrounded by properties that are zoned Limited Commercial and have commercial uses. The properties to the north, east and west have a Service Commercial General Plan Designation. To the south the properties General Plan Designations are Service Commercial and General Tourist Commercial. The addition of a Package Liquor Off-Sale Establishment is compatible with the existing and future surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed use will be located in an existing shopping center intended for retail, office and other commercial uses. This site is physically suitable for the intensity of this use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site has access from Sahara Avenue, a 150-foot Primary Arterial street, and Paseo Del Prado, a 60-foot local street, as classified by the Master Plan of Streets and Highways. In addition, this site can be accessed from Interstate 15. This site is adequately served by Interstate 15 and Sahara Avenue.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use will be subject to regular inspection for licensing, and will therefore not compromise the public health, safety and welfare. This type of business is supported by the Service Commercial General Plan land use objectives.

5. **The use meets all of the applicable conditions per Title 19.04.**

This business will be subject to enforcement of all code requirements and licensing procedures. All of the minimum conditions per Title 19.04 required for the approval of a Special Use Permit for Packaged Liquor Off-Sale Establishment are satisfied.

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SENATE DISTRICT 20

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